

# Civil Service Board Rules and Regulations For the City of Dayton, Ohio

## Layoff Procedure

**Section 1. Layoff Procedure.** (Except Sworn Police & Fire Personnel) Whenever a position is abolished, the employee with least City-wide seniority in the classification or, in a classification subsequently affected, shall be removed if no vacancy exists. If two employees so affected have identical City-wide seniority, the employee with the least service time in the classification shall be removed. In determining seniority or service time, no service shall be included prior to a period of absence which exceeded one (1) year, except for military leave, and no time served in the unclassified service shall be included. If, within a year, an individual who resigned from City service is reinstated by the Board or obtains reemployment by selection from an eligible list the calendar days from date of resignation until date of reemployment shall be deducted from his/her seniority. If the individual is not reappointed within one year from the date of his/her resignation from City service, his/her seniority will be computed from the date of reappointment. Other deductions of service credit will be defined by a Civil Service Board published policy. The continued tenure of any employee so removed from a position shall be determined in the following manner:

- A. The employee shall be transferred to any other classification in the same grade previously held by permanent appointment.
- B. If not entitled to a position under the above, the employee shall be demoted to a lower grade position within the series in descending order, whether or not said employee has previously held such a position.
- C. If not entitled to a position under the above, the employee shall be demoted to a lower grade position previously held by permanent appointment in descending order, commencing with the last previously held position.
- D. If not entitled to a position under the above, the employee shall be demoted to a lower grade position in the labor group. An employee who is demoted into the labor group shall displace the employee in the group with the least City-wide seniority.
- E. If the employee is not entitled to a position under the above, or waives his/her rights to a position under either A, B, or C above, said person may be appointed to a vacancy in the "labor group" as determined by the Secretary-Chief Examiner
- F. In the event the employee is not entitled to any position, or waives his/her rights to all positions under the above, said person shall be laid off.

Any employee appointed or demoted to the labor group shall meet the minimum literacy and physical requirements, and any special qualification (e.g., driver's license) for such position.

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**Section 2. Labor Class.** Persons in the labor service shall be laid off consistent with the provisions affecting other groups of services; namely, that employees with least total time of actual employment shall be laid off first. The positions designated for inclusion in the labor group shall be determined by the Board and published as a policy.

**Section 3. Layoff Procedure.** (Sworn Police and Fire Personnel) Whenever positions are abolished in Police and fire, displacement will proceed from the highest position affected to successively lower positions. The employee with the least in-grade seniority shall be displaced.

Said employee shall be included with all other employees in the next lower grade. In-grade seniority will then be computed for this group and the person with the least in-grade seniority shall be displaced. Such computations will be made for each successively lower grade with the employee having the least seniority in the lowest grade subject to layoff.

Sworn Police and Fire personnel cannot displace persons in any other employee group. However, they may be appointed to a vacancy in the labor group as determined by the Secretary-Chief Examiner.

**Section 4. Reinstatement.** Any employee in the classified service laid off under "Layoff" provisions may be reinstated, in accordance with Rule 8. An employee recalled from layoff shall be credited with his/her full seniority for all of his/her active service, for purposes of determining eligibility for promotional examinations. He/she shall not be subject to a new probationary period; but if he/she was laid off from a position in which original appointment is dependent in part upon passage of a physical examination, another physical examination will be required at the time of recall if such separation exceeded ninety (90) days.

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